



## ADULT COMMUNITY CORRECTIONS DIVISION STANDARD OPERATING PROCEDURES

Procedure No.: ACCD 4.6.202	Subject: <b>OVERRIDE TO MONTANA STATE PRISON / MONTANA WOMEN’S PRISON</b>	
Reference: P&P 150-1; DOC 1.5.4; 53-1-203, MCA		Page 1 of 4
Effective Date: 06/06/2011		Revision Dates: 02/15/13; 06/25/13; 05/20/14
Signature / Title: /s/ Pam Bunke, ACCD Administrator		

### I. DIVISION DIRECTIVE:

The Adult Community Corrections Division programs/facilities and employees will follow established procedures when administratively overriding an offender's custody level and transferring the offender from the community or a program/facility to Montana State Prison or Montana Women's Prison.

### II. DEFINITIONS:

ACCD Administrator – Responsible for the overall administrative functions of the ACCD programs/facilities. The Administrator reports directly to the Director of the Department.

ACCD-Adult Community Corrections Division Program/Facility – The Division includes the Adult Interstate Bureau; the Probation and Parole Bureau which provides the Day Reporting Programs (DRP), Intensive Supervision Programs (ISP), and Enhanced Supervision Program (ESP); the Missoula Assessment and Sanction Center (MASC); and the Facilities Program Bureau which includes Treasure State Correctional Training Center (TSCTC), and the contracted facilities of Prerelease Centers (PRC), Sanction Treatment Assessment Revocation & Transition (START), Warm Springs Addiction Treatment and Change Program (WATCH), Connections Corrections Program (CCP), Passages Alcohol and Drug Treatment (Passages ADT), Passages Assessment Sanction & Revocation Center (Passages ASRC), NEXUS Correctional Treatment Center (NEXUS), and Elkhorn Treatment Center (Elkhorn).

Department – The Montana Department of Corrections.

Hearings Officer – The person designated at MASC; the TSCTC Correctional Manager (or designee); or Probation & Parole Bureau Regional Administrators (RA) and Probation & Parole Officer IIs (POII) employed by the Department. As an impartial person, conducts all hearings for alleged misconduct violations within MASC and TSCTC, alleged supervision violations within the Probation & Parole Bureau, and alleged Class I and Class II misconduct violations occurring in ACCD contracted facilities. Hearings for alleged Class III misconduct violations are typically conducted pursuant to facility procedures; however, an RA or POII may conduct the hearing.

Intervention Hearing – An informal administrative hearing performed by the local Hearings Officer.

Override – A management decision to place an offender at Montana State Prison/Montana Women's Prison when it has been determined the offender is inappropriate for community placement for disciplinary reasons or assessment.

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### III. PROCEDURES:

Offenders placed at an ACCD facility or on parole or conditional release supervision may be transferred to MSP/MWP if found to be inappropriate for their placement due to disciplinary reasons or assessments. This may include the inability to place an offender at an ACCD facility for those reasons or assessments, as well as:

- Custody level not appropriate
- Not suitable for community placement
- Program termination
- Voluntary quit
- Inappropriate sentence for facility
- Needed programs not available at facility
- Outstanding warrants/pending felony charges
- Offender previously at MASC/Passages ASRC as assessment is referred to MSP/MWP by MASC/Passages ASRC

Probationers cannot be sent to MSP/MWP unless their probation is first revoked by the court and a prison sentence or DOC commitment is given.

The following situations will NOT require an override to place an offender at MSP/MWP:

- If offender sentenced as 4<sup>th</sup> or Subsequent DUI was screened and denied placement at WATCH, the RA/POII can send offender directly to MSP/MWP as the only other placement option.
- If offender was incarcerated in prison and was transferred to court to deal with pending charges and receives a DOC commitment, the RA/POII can send directly back to prison.
- If the offender has an outstanding warrant in another state and that state has confirmed it will be extraditing the offender.

#### PROCEDURE:

#### RESPONSIBILITY:

##### A. Override from ACCD Facility

- |   |   |
|---|---|
| <ol style="list-style-type: none"> <li>1. Upon determination that offender's placement at a facility is not appropriate, contact Contract Manager to review offender's circumstances and all information regarding the reason for the override:               <ol style="list-style-type: none"> <li>a. Rick Deady, Treatment Facility Contract Manager, <a href="mailto:RDeady@mt.gov">RDeady@mt.gov</a>; or</li> <li>b. Tedd Weldon, Prerelease Facility Contract Manager, <a href="mailto:TWeldon2@mt.gov">TWeldon2@mt.gov</a>.</li> </ol> </li> </ol> | Facility Staff                              |
| <ol style="list-style-type: none"> <li>2. ACCD 4.6.202(A) MSP/MWP Override and Referral Form is completed and forwarded to Facility Administrator for signature. Offender's circumstances and all information regarding the reason for the transfer (i.e., medical issue; suicide attempt) must be included.</li> </ol>   | IPPO/PRC Liaison/<br>Facility Administrator |
| <ol style="list-style-type: none"> <li>3. <i>Override and Referral Form</i> is submitted electronically to <a href="mailto:corao@mt.gov">corao@mt.gov</a>:               <ol style="list-style-type: none"> <li>a. Document must be saved as follows:<br/>Offender last name, first name, facility, Override (for example: Doe, John, START, Override)</li> <li>b. Email subject line must read:<br/>Offender last name, first name, DOC ID#, facility, Override (for example: Doe, John, #1234567, MASC, Override)</li> </ol> </li> </ol>                | IPPO/PRC Liaison/<br>Facility Administrator |

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- c. If there are extenuating medical and/or mental issues, include copies to:
    - i. Health Services Bureau; and
    - ii. For male offenders: MSP Mental Health Director; or
    - iii. For female offenders: MWP Deputy Warden for Treatment; and
    - iv. For all parolees: BOPP.
- 4. *Override and Referral* is reviewed and returned to sending IPPO/PRC Liaison. If approved, include copies to:
  - a. Facility Administrator; and
  - b. Contract Manager.
- 5. If approved, sending facility will make contact with MSP/MWP to confirm transfer and offender is transported to MSP/MWP. The approved *ACCD 4.6.202(A) MSP/MWP Override and Referral Form* is transferred with offender.

ACCD Administrative Officer or designee

DOC/Contracted Facility

#### **B. Override from Probation & Parole**

- 1. Determines that a DOC-commit, parolee or conditional release offender is not a viable candidate for community placement and MSP/MWP is the most appropriate option for the offender:
  - a. If parolee: Contact BOPP and conduct on-site hearing (see *P&P 140-2 On-Site (Preliminary) Hearing*);
  - b. Fax or email the following to the MASC Coordinator or Passages ASRC Manager to discuss an override on the offender:
    - i. *P&P 150-1(A) Notification of Offenders Sentenced to DOC or MSP/MWP*, including a brief statement on the form explaining the offender's circumstances and why the override is being requested;
    - ii. *P&P 150-1(D) Verification of Commitment* or certified court order;
    - iii. *P&P 30-1(B) Pre-Sentence Investigation*; and
    - iv. *P&P 100-1(A) Report of Violation*.
  - c. If the coordinator/manager concurs with the override, he/she will complete *ACCD 4.6.202(A) MSP/MWP Override and Referral Form* and forward it to [corao@mt.gov](mailto:corao@mt.gov) for discussion.
    - i. Document must be saved as follows:  
Offender last name, first name, facility, Override (for example: Doe, John, MSP or MWP, Override)
    - ii. Email subject line must read as follows:  
Offender last name, first name, DOC ID#, facility, Override (for example: Doe, John, #1234567, MSP or MWP, Override)

RA/POII

RA/POII

RA/POII

MASC Coordinator /  
Passages ASRC Manager

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- d. If the coordinator/manager rejects the override recommendation, the RA or POII can request a discussion and review with the ACCD Administrator. RA/POII
2. Override is reviewed and returned to RA/POII. ACCD Administrative Officer or designee
3. If the final decision is for an override, makes arrangements with:
  - a. Contract Placement Bureau Administrative Officer; and MASC Coordinator/Passages ASRC Manager
  - b. MDIU Admissions; or
  - c. MWP Admissions Officer.
4. Completes *P&P 150-1(C) Initial Screening & Placement Warrant* for the placement determined and forwards to the appropriate parties. RA/POII
5. Once placement has been determined and an offender file has been put together with all relevant documents, the file will be forwarded to the appropriate location. See *P&P 150-1(F) Where Files Go*. RA/POII

#### IV. CLOSING:

Questions regarding this procedure should be directed to the ACCD Administrator, Facilities Program Bureau Chief or Contract Manager.

#### V. FORMS:

ACCD 4.6.202 (A) MSP/MWP Override and Referral Form  
 P&P 150-1(F) Where Files Go